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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,718	11/12/1999	JEFFERY M. ENRIGHT	D-1113	2011

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EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,718

Applicant(s)

ENRIGHT, JEFFERY M.

Examiner

Donald L. Champagne

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nlw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Prosecution Reopened

1. The Board mailed a reversal of the final rejection on 7 April 2004. Following is a new non-final rejection based on that Board decision and a new search of the prior art.

Claim Rejections - 35 USC § 102 and 35 USC § 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-37 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (US006193154B1) in view of Gustin et al. (US005897625A).
5. Phillips et al. teaches (independent method claims 1 and 40, and apparatus dependent claim 27) a method and apparatus, the method comprising: a) paying a charge for motor fuel merchandise delivered to a user at a self-service dispensing machine, including reading a machine readable article source of monetary value (*credit card*, col. 1 line 12 and col. 3 lines 38-39); b) receiving an input from the user through an input device adjacent the dispensing machine, wherein the input corresponds to a request for a second good, and c) charging the credit card for the charge and the second good (col. 3 lines 39-40).

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6. Phillips et al. does not teach b) that the requested second good is an amount of cash that is [d) and e)] delivered to the user at a facility remote from the machine. Gustin et al. teaches (col. 4 lines 6-7 and 35) *wire transfer* and *money order* second goods, either of which represents an amount of cash that is delivered to the user at a facility remote from the machine. Because Phillips et al. teaches that it is desirable to vend secondary goods at the fuel pump (col. 2 lines 55-67), and because Gustin et al. teaches an automated banking machine capable of vending a broad variety of lucrative secondary goods and services (Summary of Invention, col. 3 line 65 to col. 5 line 49)¹, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Gustin et al. to those of Phillips et al.
7. For claim 40, the "code" is the name or other identification of the payee to be printed on the money order being bought (col. 18 lines 28-29), which is also required on a magnetic ID card to cash the money order at the cash delivery station (col. 16 lines 36-37 and col. 17 lines 34-40).
8. Also taught at the citations given above are claims: 2-5, 12-16, 18-19 (where "an item" is the *money order* being bought), 22-23, 30-34, 37 and 41-43.
9. Phillips et al. also teaches claims 10-11 (col. 2 lines 31-39). Gustin et al. also teaches: claims 6 and 28-29 (col. 17 lines 6-8 and 45-46); claims 7 and 8 (col. 10 line 63 to col. 11 line 5), where loading cash from "another portion" is inherent; claim 9 (col. 18 lines 32-33); claim 17 (col. 22 lines 54-55); claims 20 and 21 (col. 10 lines 3-16); and claim 35, where the user's *signature* is the further input corresponding to at least one feature of the user and *scanner slot 54* (col. 12 lines 44-45) is a biometric input device.
10. Neither of the references teaches (claims 24-26 and 36) that the amount is delivered in the sales area or through the (drive-up) service window and that the further input corresponds to a feature of the user's vehicle. The added limitations of claims 24-26 would have been obvious because it would provide additional security to dispense cash only at the sales

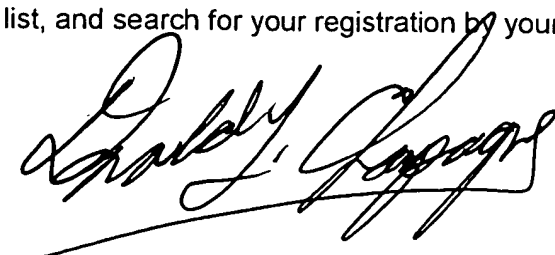
¹ In summary, the goods and services taught by Gustin et al. are: cashing checks and money orders; selling money orders, wire transfers, theatre tickets, etc; accepting payment for household bills; providing all the services of conventional ATM's; and accepting payment in aggregate for one or more of these goods and services by withdrawal from a user account, by credit, debit or smart card, or by cash, check or money order.

area/service window. It would have been obvious to use the license plate numbers, a feature of the user's vehicle (claim 36), as the basis for the user's password or PIN.

11. Claims 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustin et al. The "code" is the name of the user or other identifying indicia on a money order being bought with the change from a purchase at a first machine, with said money order with code being input to a second machine to buy something for a price greater than that of the change/money order amount.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.
13. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.
14. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.



Donald L. Champagne
Examiner
Art Unit 3622

5 June 2004